STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JASMINE LASHAY JACOB, DAVID OLIVER JACOB, ANTHONY XAVIER MAULDIN, AHJ'ANAE L. MAULDIN, TURRON PRINCE SHERROD and TURANN PRINCE SHERROD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TURRON PRINCE SHERROD,

Respondent-Appellant,

and

BILLY DON JACOB, BARON POLK, a/k/a LABARON POLK, WILLIAM SMITH, EUGENE BROWN and VEDA JUANETTE MAULDIN,

Respondents.

UNPUBLISHED
February 8, 2000

No. 218334
Wayne Circuit Court
Family Division
LC No. 91-293640

Before: O'Connell, P.J., and Meter and T. G. Hicks*, JJ.

MEMORANDUM.

Respondent Turron Sherrod ("respondent") appeals as of right from a family court order terminating his parental rights to Turron Sherrod, Jr., and TuRann Sherrod pursuant to MCL 712A.19b(3)(h); MSA 27.3178(598.19b)(3)(h). We affirm.

---

* Circuit judge, sitting on the Court of Appeals by assignment.

Respondent does not dispute that § 19b(3)(h) was established by clear and convincing evidence. He contends, however, that the court erred in terminating his parental rights without first considering whether placement of the children with his mother would be in their best interests. We disagreed that the trial court erred.

Once a statutory ground for termination has been established, the trial court must terminate parental rights unless the parent shows that termination is "clearly not" in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). "Absent any evidence addressing this issue by the parent, termination of parental rights is mandatory." *Id.* Here, respondent did not even *contend* below that termination was contrary to the children's best interests because of the possibility of placement with their grandmother. Instead, he merely inquired whether the grandmother would be able to adopt the children in the event termination was ordered. The issue of adoption was beyond the scope of the termination hearing, and the trial court, contrary to respondent's argument, therefore did not err in terminating respondent's parental rights without first considering the children's potential placement with their grandmother.

Moreover, the grandmother had made no contact with the foster care worker during the pendency of the proceedings, and the court therefore had no basis to conclude that placement with the grandmother was appropriate even if respondent *had* argued that such placement was in the children's best interests. We note that nothing in the law directs the court to refrain from ordering termination when a child could alternatively be placed with relatives. *In re Futch*, 144 Mich App 163, 170; 375 NW2d 375 (1984); *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999); *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991). We find no error.

Affirmed.

/s/ Peter D. O'Connell
/s/ Patrick M. Meter
/s/ Timothy G. Hicks